

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THOMAS KEMPKE,

Plaintiff,

-v-

MARY C. MARVIN, et al.,

Defendants.

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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Case No. 07-CV-11351 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

In a letter dated January 11, 2008, Defendants requested that the Court schedule a pre-motion conference so that Defendants may seek the Court's permission to file a motion to dismiss Plaintiff's Complaint. On January 24, 2008, the Court endorsed Defendants' letter, scheduling a pre-motion conference for February 20, 2008 at 12:00 P.M. and ordering Plaintiff to respond to Defendants' letter by February 10, 2008. The endorsed letter was docketed on the Court's Electronic Case Filing system ("ECF") on January 25, 2008.

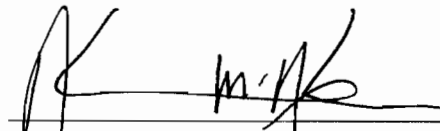
Jonathan Lovett, Esq. is listed as Plaintiff's counsel of record on ECF, and therefore Mr. Lovett is presumed to have received an email notification of the Court's January 24, 2008 letter endorsement. However, Mr. Lovett failed to respond to Defendants' January 11, 2008 letter within the time limit specified by the Court. Moreover, on February 20, 2008, Jessica Satriano, Esq., counsel for Defendants, appeared before the Court for the pre-motion conference, but Mr. Lovett was absent.

Therefore, the Court ORDERS Jonathan Lovett, Esq. to show cause by no later than March 5, 2008 as to why he should not be ordered to pay the expense of Defendants' counsel's

reasonable costs in attending the February 20, 2008 conference. It is further ORDERED that Mr. Lovett submit a letter to the Court responding to Defendants' January 11, 2008 letter by not later than 5:00 P.M. on February 22, 2008. The pre-motion conference requested by Defendants is rescheduled for March 6, 2008 at 2:00 P.M.

SO ORDERED.

Dated: February 20, 2008
White Plains, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE